

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

**ORIGINAL**

1 **A. Service of process on parties not yet served**

2 1. A copy of the summons and the complaint was served on defendants American Overseas  
3 Marine Corporation and General Dynamics Corporation, on August 8, 2005 at 4:30 p.m. (Delaware time)  
4 by Mr. Michael T. O'Rourke. The original summons was returned to the undersigned and is now on file  
5 with this Court.

6 2. There are presently no other party to be served.

7 **B. Jurisdiction and Venue**

8 1. This Court has personal jurisdiction over American Overseas Marine Corporation and  
9 General Dynamics.

10 2. This Court has original subject matter jurisdiction of Plaintiff Couture's admiralty and  
11 maritime claims pursuant to the *Jones Act*, 46 U.S.C. §688, and general maritime law, pursuant to 28  
12 U.S.C. §1333 (admiralty and general maritime jurisdiction), and 28 U.S.C. §1331 (federal question),

13 3. Venue is properly placed in the United States District Court for the Northern Mariana Islands  
14 in that: (a) a substantial part of the events which gave rise to the claims in this matter occurred in the  
15 Commonwealth of the Northern Mariana Islands; or, (b) both corporate defendants are subject to this  
16 Court's personal jurisdiction. *See* 28 U.S.C. §1391(b)(2) and (3)

17 **C. Track assignment**

18 Plaintiff recommends the **Standard Track** assignment.

19 **REASONS:**

20 1. This is a fairly straight forward maritime case involving Jones Act negligence and the doctrine  
21 of unseaworthiness, however, given Defendants' extensive denials in its answer, there are certainly more  
22 than a few, unsettled legal issues.

23 2. Required discovery against the Defendants will be routine.

24 3. Real parties in interest should not exceed five.

25 4. There should not be more than 10 fact witnesses in this matter.

26 5. Expert witnesses will be necessary to show Plaintiff's physical damages. Plaintiff estimates  
27 that he will need two to three expert witnesses to prove his case.

28 6. The jury trial in this case would likely take one week.

7. This case has a low suitability for alternative dispute resolution.

8. The character and nature of damage claims are fairly standard but will need expert testimony.

**D. Anticipated motions**

1. Numerous discovery motions
2. Motion for Summary Judgment as to Jones Act Seaman status

**E. Discovery**

**Anticipated discovery:**

1. Interrogatories to and from all defendants.
2. Requests for production of documents to and from all defendants.
3. Requests for Admissions to and from all defendants.
4. Depositions: Plaintiff anticipates that he will depose the following individuals and entities:
  - a. Employees and expert witnesses of AMSEA
  - b. Employees of GYNDYN

**Limitations on discovery:** None.

**F. Further proceedings**

See Section K below.

**G. Special procedures.**

No special procedures are required.

**H. Modifications of standard pre-trial procedures.**

None.

**I. Settlement prospects**

Plaintiff is more than willing to consider a reasonable settlement offer from defendants.

**J. Other matters**

None.

**K. Setting of dates**

1. Joinder of all parties: November 15, 2005
2. Motions to amend: November 15, 2005
3. Discovery cut-off: February 15, 2006
4. Status conference: March, 2006
5. Discovery motion hearing date: March, 2006
6. Dispositive motion cut-off: April 15, 2006
7. Dispositive motion hearing date: May, 2006
8. Settlement conference: February 15, 2006 and May, 2006
9. Joint pretrial order: July 2006
10. Final pretrial conference: July 2006

1 11. Trial: August, 2006

2  
3 Dated this 19 day of September 2005.

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